

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2 and 7 are pending in the application, with claims 2 and 7 being the independent claims. Claims 3-5 and 8-10 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims

Claims 2-5 and 7-10 stand objected to because of a variety of informalities. Claims 2 and 7 have been amended to address the Examiner's objections. Accordingly, Applicants request that these objection be reconsidered and withdrawn. As claims 3-5 and 8-10 have been cancelled, Applicants respectfully submit that the objections to claims 3-5 and 8-10 is rendered moot.

Objections to the Drawings

The drawings stand objected to as allegedly not showing the subject matters of claims 5, 8, and 10. As claims 5, 8, and 10 have been cancelled, Applicants respectfully submit that the objections to the drawings are rendered moot.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 7 and 9 stand rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner alleges that the specification does not disclose the connection among the first MOS-on-PWELL device, the second MOS-on-PWELL device, the first NMOS transistor and the second NMOS transistor as recited in claims 7 and 9. Applicants respectfully traverse.

Claims 7 and 9, as originally filed, recite the connection among the first MOS-on-PWELL device, the second MOS-on-PWELL device, the first NMOS transistor and the second NMOS transistor as "a combination of the first and second NMOS transistors . . . connected in parallel with the first and second MOS-on-PWELL devices." Additionally, paragraph 21 of the specification states that in "CMOS technology . . . a capacitor can be made with NMOS devices, PMOS devices, MOS on NWELL devices, MOS on PWELL devices, or any other capacitor available in that process."

According to MPEP § 608.01(I), "in establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it...The claim should not be attacked either by objection or rejection because this subject matter is lacking in the drawing and description. It is the drawing and description that are defective, not the claim." Therefore, the specification has been amended to include the subject matter as presented in original claims 7 and 9. Applicants submit that since the subject matter was included in

original claims 7 and 9, the addition of such subject matter to the specification does not constitute new matter.

As claim 9 has been cancelled, Applicants respectfully submit that the rejection of claim 9 is rendered moot. Accordingly, reconsideration and withdrawal of the rejection of claim 7 is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 5 and 10 stand rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Applicants respectfully traverse. However, in furtherance of prosecution, Applicants have cancelled claims 5 and 10. The rejections of claims 5 and 10 are thus rendered moot.

Objection to the Specification

The specification stands objected to as allegedly failing to provide proper antecedent basis for the subject matter of claims 5, 8, and 10. As Applicants have cancelled claims 5, 8, and 10, Applicants respectfully submit that the rejections of claims 5, 8, and 10 are rendered moot.

Rejections under 35 U.S.C. § 102

Claim 8 stands rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Pat. No. 5,254,880 to Horiguchi et al. ("Horiguchi"). Applicants respectfully

traverse. However, in furtherance of prosecution, Applicants have cancelled claim 8.

The rejection of claim 8 is thus rendered moot.

Rejections under 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Horiguchi. Applicants respectfully traverse. However, in furtherance of prosecution, Applicants have cancelled claim 3. The rejection of claim 3 is thus rendered moot.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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